

III. REMARKS

Claims 1-25 are pending in this application. By this amendment, claims 1, 9, 10, 17, 18 and 25 have been amended. These amendments are being made to facilitate early allowance of the presently claimed subject matter. Applicant does not acquiesce in the correctness of the rejections and reserves the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicant reserves the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

Entry of this Amendment is proper under 37 C.F.R. 1.116(b) because the Amendment: (a) places the application in condition for allowance as discussed below; (b) does not raise any new issues requiring further search and/or consideration; and (c) places the application in better form for appeal. Accordingly, Applicant respectfully requests entry of this Amendment.

In the Office Action, claims 1, 4-10, 14-18 and 22-25 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Challenger (U.S. Patent No. 6,266,742 B1), hereafter “Challenger.” Claims 2-3, 11-13 and 19-21 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Challenger in view of Ims *et al.* (U.S. Patent No. 6,505,200 B1), hereafter “Ims.”

A. REJECTION OF CLAIMS 1, 4-10, 14-18 and 22-25 UNDER 35 U.S.C. §102(b)

With regard to the 35 U.S.C. §102(b) rejection over Challenger, Applicant asserts that Challenger does not teach each and every feature of the claimed invention. For example, with respect to independent claims 1, 10 and 18, Applicant submits that Challenger fails to teach that the cache log is adapted to log a history of requests for a data object that *is not stored in the*

cache. In contrast, the passage of Challenger cited by the Offices teaches that “[t]he LRU (Least Recently Used) list contains all cached objects or pointers to all cached objects.” Col. 4, lines 11-15. To this extent, the LRU list of Challenger only contains objects or pointers to objects that are currently *in the cache*. Challenger does not teach that its LRU list is adapted to contain a history of requests for data objects that are *not presently in the cache*.

In contrast, the claimed invention includes “...wherein the cache log is adapted to log a history of requests for a data object that is not stored in the cache.” Claim 1. As such, the cache log of the claimed invention does not merely contain objects or pointers to objects that are in the cache as does the LRU list of Challenger, but rather is adapted to log a history of requests for a data object that is not stored in the cache. This enables the system to, *inter alia*, keep track of data, e.g., what time of day the data object is usually requested, relating to any data object that has been requested in the past, irrespective of whether the data object is currently in the cache or not. Thus, the LRU list of Challenger does not teach the cache log of the claimed invention. Accordingly, Applicant respectfully requests that the Office withdraw its rejection.

With further respect to independent claims 1, 10 and 18, Applicant respectfully submits that Challenger also fails to teach predicting needed data objects based on the cache log and prefetching the needed data objects that are predicted to be needed into the cache. The Office equates the predicting of the needed data objects of the claimed invention with a passage of Challenger that teaches providing a method for estimating the lifetimes of objects in the cache that can also be applied outside the realm of caching. Col. 3, lines 8-12. The Office then equates the prefetching of the claimed invention with the determining whether a possibly prefetched object is a candidate for caching. Col. 4, lines 45-50. However, Challenger does not teach that

its method for estimating the lifetimes of objects in the cache is used in determining whether an object to be prefetched. In fact, Challenger does not teach any criteria for prefetching at all. The claimed invention, in contrast, includes "...predicting needed data objects based on the cache log...[and] prefetching the needed data objects that are predicted to be needed into the cache." Claim 1. As such, in the claimed invention, the predicting is not unrelated to the prefetching as the method for estimating the lifetimes of objects is from the prefetching in Challenger, but rather, the prefetching of the claimed invention is of needed data objects that have been predicted to be needed based on the cache log. For the above reasons, the method for estimating and prefetching of Challenger do not teach the predicting and prefetching of the claimed invention. Accordingly, Applicant requests that the rejection be withdrawn.

With respect to claims 9, 17 and 25, Applicant respectfully submits that Challenger also fails to teach predicting a sequence of needed data objects based on time of day. Accordingly, Applicant requests that the rejection be withdrawn by the Office.

With respect to the Office's other arguments regarding dependent claims, Applicant herein incorporates the arguments presented above with respect to the independent claims from which the claims depend. Furthermore, Applicant submits that all dependant claims are allowable based on their own distinct features. Since the cited art does not teach each and every feature of the claimed invention, Applicant respectfully requests withdrawal of this rejection.

B. REJECTION OF CLAIMS 2-3, 11-13 and 19-21 UNDER 35 U.S.C. §103(a)

With regard to the 35 U.S.C. §103(a) rejection over Challenger in view of Ims, Applicant asserts that the combined references cited by the Office fail to teach or suggest each and every

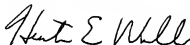
feature of the claimed invention. For example, with regard to the dependent claims, Applicant herein incorporate the arguments presented above with respect to the independent claims listed above. In addition, Applicant submits that all dependant claims are allowable based on their own distinct features. However, for brevity, Applicant will forego addressing each of these rejections individually, but reserves the right to do so should it become necessary. Accordingly, Applicant respectfully requests that the Office withdraw its rejection.

IV. CONCLUSION

In addition to the above arguments, Applicant submits that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicant does not acquiesce to the Office's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicant does not acquiesce to the Office's combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office's combinations and modifications have not been separately addressed herein for brevity. However, Applicant reserves the right to present such arguments in a later response should one be necessary.

In light of the above, Applicant respectfully submits that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Hunter E. Webb". The signature is fluid and cursive, with the first name "Hunter" and last name "Webb" clearly distinguishable.

Hunter E. Webb
Reg. No.: 54,593

Date: May 17, 2006

Hoffman, Warnick & D'Alessandro LLC
75 State Street, 14th Floor
Albany, New York 12207
(518) 449-0044
(518) 449-0047 (fax)

RAD/hew